

Docket No.
UAB-16102/22

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES AND METHOD FOR TREATING CANCERS THEREWITH

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 8 JUNE 2000 as United States Application No. or PCT International
Application Number PCT/US00/40165
and was amended on 1 OCT. 2001

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	<input type="checkbox"/>
<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	<input type="checkbox"/>
<u> </u> (Number)	<u> </u> (Country)	<u> </u> (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional

60/138,173

(Application Serial No.)

8 JUNE 1999

(Filing Date)

60/144,314

(Application Serial No.)

16 JULY 1999

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/US00/40165

(Application Serial No.)

8 JUNE 2000

(Filing Date)

PENDING

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Ernest I. Gifford, 20,644

Allen M. Krass, 18,277

Irvin L. Groh, 17,505

Douglas W. Sprinkle, 27,394

Thomas E. Anderson, 31,318

Ronald W. Citkowski, 31,005

Judith M. Riley, 31, 561

Douglas J. McEvoy, 34,385

Ellen S. Cogen, 38,109

John G. Posa, 37,424

Robert J. Morris, 33,196

Avery N. Goldstein, 39,204

Douglas L. Wathen, 41,369

Mark D. Schneider, 43,906

Beverly M. Bunting, 36,072

Send Correspondence to: **Ellen S. Cogen**
Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C.
280 N. Old Woodward Avenue, Suite 400
Birmingham, MI 48009-5394

Direct Telephone Calls to: *(name and telephone number)*
Ellen Cogen at (248) 647-6000

Full name of sole or first inventor Richard J. Whitley	
Sole or first inventor's signature	Date
Residence Birmingham, Alabama	
Citizenship US	
Post Office Address 216 Shades Crest Circle	
Birmingham, AL 35216	

Full name of second inventor, if any James MacDowell Markert	
Second inventor's signature	Date
Residence Birmingham, Alabama	
Citizenship US	
Post Office Address 4416 Clairmont Avenue	
Birmingham, AL 35222	

Full name of third inventor, if any George Yancey Gillespie	
Third inventor's signature	Date
Residence Birmingham, Alabama	
Citizenship US	
Post Office Address 4149 Cliff Road	
Birmingham, AL 35222	

Full name of fourth inventor, if any Jacqueline Ness Parker	
Fourth inventor's signature	Date
Residence Birmingham, Alabama	
Citizenship US	
Post Office Address 2317 Misty Ridge Circle	
Birmingham, AL 35226	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	